



## **Statement of Reason for Appeal: Broadway Pizza Redevelopment Proposal**

### **I. Procedural Background:**

PLAN 11277, 2025 West River Road, colloquially known as the Broadway Pizza site, was considered by the Minneapolis City Planning Commission ("Commission") on September 21, 2020. The Commission approved five separate actions sought by the developer, two of which are a part of this appeal:

1. a conditional use permit ("CUP") allowing the maximum height of the principal structure to be increased by more than double permissible limits in the City Zoning Code's Shoreland Overlay District and the Mississippi River Critical Area Overlay District - from the maximum allowable 2.5 stories or 35 feet, whichever is less, to 7 stories/83 feet, 11.5 inches;
2. Site plan review for a new, seven-story building with 163 dwelling units.

*Planning Commission minutes available at:*

<https://lims.minneapolismn.gov/Download/CommitteeReport/1442/CPC-20200921-Minutes2.pdf>.

For the reasons set forth below, the appellants seek reversal of the Commission's decisions allowing this massive development on one of the most desirable sites in Minneapolis, within the Mississippi River Corridor Critical Area, in gross excess of height limits, on severely sloping terrain directly adjacent to the Mississippi River. As proposed, this development will concentrate low income individuals and families in an area with few amenities, poor transportation options, and without any real accommodation to create space allowing amenities to follow.

### **II. The proposed height of PLAN 11277 is not justified or reasonable for this development:**

#### **A. Proposed height unjustifiably exceeds limits allowed in the overlay districts.**

The City Planning Commission erred in approving a Conditional Use Permit (CUP) for PLAN11277, a proposed development that exceeds the maximum height limits required by both the Shoreland Overlay District (SH) and the Mississippi River Corridor Critical Area (MRCCA) by over 200%. The MRCCA is a state, regional, and local ordinance that provides coordinated land planning and regulation for the 72 miles of Mississippi River running through the Twin Cities metropolitan area.





The MRCCA was designated a critical area in 1976 following passage of the Minnesota Critical Areas Act of 1973, with final rules adopted in 2017 (Minnesota Rules Chapter 6106). In 1988, the National Park Service designated this stretch of river as the Mississippi National River & Recreation Area (MNRRA).

To disregard the height limits in these Overlay Districts will have permanent and precedent-setting environmental harms on the remaining limited river shoreline. It will exacerbate known, long-term community harms that increase social and economic inequity in North Minneapolis. While tall buildings are appropriate in many areas of the city, this critical area adjacent to our precious Mississippi riverfront and extending only two blocks in to Second St. deserves a high level of design consideration and protection. The design goal must be to create a welcoming sense of scale and relationship to the river. By limiting building height next to the river, the opportunity for more river-oriented development with river views further back from the river is also preserved.

In short, this project proposal is far from complete and needs additional work before development begins. By approving this CUP, the Commission disregarded years of work by our community to establish these standards and rubber-stamped a developer's proposal in North Minneapolis that doesn't meet these requirements.

The Commission's approval of the CUP is evidence of the continued disparate treatment of North Minneapolis and communities of color that has occurred for well over a century. The only reason the developer has chosen this height is it is relying on government programs to fund their development. Satisfying a developer's desires is NOT the appropriate test for what development should occur. The developer's attempt to mollify concerns about height, and by extension, density, by suggesting that a higher AMI could be achieved is deceptive at best. There is no assurance in this proposal that the suggested 60% AMI would be maintained at any point in time. Indeed, without proximate amenities making this housing desirable, it is unlikely that the 60% AMI will ever be approached.

## **B. Proposed development does not meet the goals of the 2040 Plan.**

The goals outlined in the Comp 2040 plan are not met by the current proposal, which surpasses the 35 ft height limit with an 83 ft, high density structure. The 2040 plan states the following goals and policies that the project directly violates. These goals and policies need to be incorporated into the building.

Goal 3: "...all Minneapolis residents will be able to afford and access quality housing throughout the city." This project does not create diverse housing options for people in North Minneapolis. Additional height simply concentrates affordable housing on this location, and perpetuates the overdevelopment of affordable housing in this area of the city without adequate amenities nearby.





Goal 6: "...Minneapolis will enjoy a high-quality and distinctive environment in all parts of the city." This project is not exceptional or notable, especially considering its relationship to the Mississippi River, and increasing height will not achieve this goal.

Goal 9: "... all Minneapolis residents will have access to employment, retail services, healthy food, parks, and other daily needs via walking, biking, and public transit." Except for the adjacent biking/walking paths along the Mississippi River, this neighborhood lacks these amenities within a short walk, lacks safe bike lanes to access retail along West Broadway, and has limited transit access. Additional height does nothing to improve such access to amenities.

Policy #37 states:

*"The development of new housing in Minneapolis is mostly occurring in amenity-rich areas with access to transportation choices, jobs, goods, services, and recreation....*

*The City will seek to accomplish the following action steps to **promote mixed-income development throughout the city.***

*a . Create and refine policies, programs, regulations, and other tools to **develop mixed-income housing throughout the city** for ownership and rental housing .*

*b . Expand the City's inclusionary housing policies to apply to newly constructed housing developments throughout the city and explore applying inclusionary housing policies to substantial housing rehabilitations .*

*c . **Cultivate a culture of mixed-income housing production.***

(Emphasis added.)

The developer failed to provide community-accessible amenities or space sufficient to allow such development to easily occur in this project that might justify an increased height. By incorporating market rate units and space that will truly be attractive to much-needed amenities, the project could allow for decreased height. No market rate developments have been located in North Minneapolis in the last ten years. The history of concentrating poverty in North Minneapolis compounds all other problems: without mixed-income housing, amenities are not developed in the neighborhood: these housing practices have created imbalances in the commercial markets; deterring investors from supplying our neighborhoods with grocery stores, restaurants, and local retail shops helping to retain community spending power in the neighborhood. Without such amenities, Minneapolisians with more means will not settle here. As a result, it becomes impossible to create or sustain mixed income communities that our 2040 plan strives for.





Contrary to the 2040 Plan goal, this housing development is displacing the only sit-down restaurant in the Hawthorne Neighborhood and is not incorporating any reasonably-sized retail or commercial spaces in its place. This is a desirable location for residents and visitors alike and presents a wonderful opportunity for a rooftop and/or street-level restaurant or café. There are numerous Northside entrepreneurs who could expand their operations into this site. If we are unable to make riverfront property work for commercial and retail opportunities, where in North Minneapolis will developers choose to incorporate those amenities? We believe this is something that must be integrated into the project. By contrast, this very developer included 9,500 sq ft of commercial or retail space in their newest affordable housing project in the North Loop and advertised 4500 Square feet for a full-service restaurant – 6 blocks away- one block south of Plymouth Ave – but technically the North Loop. Instead, for this project in North Minneapolis, the developer proposes including nominal, first-floor space that they admitted will not accommodate a full kitchen restaurant, or other similar retail operations.

Approval is also inconsistent with Policy 70 Ecology and Habitat in the Minneapolis 2040 Comprehensive Plan. The project does nothing to "design and manage public lands for their highest environmental and ecosystem performance" or to "strive for interconnected environmental corridors and riparian areas as habitat corridors."

This project does not meet the standard of complete neighborhood developed by the 2040 plan.

**C. This proposed development fails to meet the goals of the Mississippi River Corridor Critical Area (MRCCA) ordinance approved in 2006 by the City, Department of Natural Resources, and Metropolitan Council.**

The current proposed height does not adhere to policies that govern this area. Since 1973, The MRCCA ordinance has been adopted by the City then approved by the Metropolitan Council and the Minnesota Department of Natural Resources. There needs to be review and approval by the Metropolitan Council and Department of Natural Resources to evaluate such a deviation from the ordinance.

This project is inconsistent with the city's MRCCA ordinance, which the DNR requires,

"to preserve and enhance the Mississippi River's natural, aesthetic, cultural and historic value for public use, to protect and preserve the biological and ecological functions of the Mississippi River corridor, to comply with the requirements regarding the management of critical areas, and to protect the public health, safety and welfare." (Minneapolis Ordinance 551.660).

The excessive height burdens what remains of our precious natural environment along the Mississippi River. Granting a conditional use permit to exceed the maximum height allowed in the Shoreland Overlay district will alter the scale and character of the area and negatively impact the Mississippi Flyway—a major migratory bird corridor of





international significance. This proposal also undermines the city's participation in the Urban Bird Treaty program, since the project would increase the deadly threats to birds of light pollution and glass collisions in the Flyway. Increased light pollution near the River harms a fragile, limited natural riverway, impacting millions of migrating birds that use the River corridor—the core of the Mississippi Flyway—twice a year. The Cornell Lab of Ornithology has already named the Twin Cities one of the worst urban areas in the country for migrating birds because of light pollution in the Flyway and this project will exacerbate the problem.

#### **D. The proposed development fails to meet the Above the Falls Plan.**

The CUP also dismisses the guidelines put together by the ATF plan which was adopted by the Minneapolis Park and Recreation Board and the City of Minneapolis. One of the guiding principles in the ATF plan is to realize the potential for community and economic development stated below.

“The original plan and subsequent analysis make it clear that the existing mix of uses along the riverfront is not capitalizing on the riverfront's potential for amenities. Additionally, a number of adjacent neighborhoods struggle with disinvestment and lack of positive economic activity. Furthermore, comparing this to other areas of the city that are more amenity-rich and prosperous raises substantial equity concerns. Realizing some of this unmet potential has a great possibility of raising this area up through improved conditions and opportunities.” (ATF Plan, p. 9.)

In Chapter 5 “Buildings should be designed and programmed to engage public spaces. Encourage vitality and activity along the riverfront by orienting quasi-public spaces (restaurants and shops) and private open and communal spaces (decks, balconies, terraces, meeting rooms, etc.) toward the river, while also maintaining high quality design along public streets and pathways.” (ATF Plan, p. 77).

Chapter 3 states: “New residential/mixed use development has the potential to support community development as well ... diversifying and strengthening both the housing market and the demand for commercial and retail businesses.” (ATF Plan, p. 51).

Chapter 8 of the ATF plan specifically states: “The City's housing policy does not support concentrating new affordable housing in areas with high poverty rates. As of this plan's writing, the main portion of the study area impacted by this restriction is the Hawthorne neighborhood on the west bank.” (ATF Plan, p. 166).

Rather than address issues raised in the ATF Plan, this proposed development concentrate a significant number of families in a place with negligible amenities, jobs or convenient access to amenities or jobs. This utterly disregards the work of City, Park





Board, individuals and the many neighborhood and community groups that worked to develop the ATF plan as a guide for development north of Plymouth Ave.

**III. On Public Policy Grounds, this project, as proposed, fails to accomplish what we must, as a City, accomplish - equity across all neighborhoods.**

The 2040 plan has been recognized nationally for its forward vision and aggressive goals. This project clearly does not conform to the goals of the 2040 plan and would illustrate to future developers that compliance is not required or necessary. This project sets a bad precedent for disregarding these painstakingly created plans and rubber stamp excessive height, bulk and uses that would be injurious to the environment and use and enjoyment of other property in the vicinity. The act of by-passing our District Overlays in this instance creates the precedent to repeat these actions for other applicants seeking the same or even greater exceptions to zoning requirements for other sites in this ecologically sensitive Mississippi Flyway and the Mississippi River Corridor Critical Area.

**IV. Conclusion**

This project must be re-examined and refined to achieve the long-term goals our city has set and must achieve for North Minneapolis to be a healthy, complete, and sustainable community for all our residents. This project must not exceed height limits without extraordinary efforts to achieve other critical needs for our community and environment. As proposed, this project does not.

There are better choices for a development in this prime location on the Mississippi River in North Minneapolis. This is an opportunity to create room for the amenities our neighborhood so desperately needs in order to be a stable and vibrant part of our city. The opportunity to create development in harmony with a critical flyway should not be so easily disregarded. Finally, once this project is done, it sets a precedent for the remaining development along our few, remaining river spaces.

The City must reject this proposal and work with the developer and community to create a project that integrates mixed-income and mixed-use on this important site.